

Notice of Allowability

Application No.

09/786,495

Examiner

Maureen M. Wallenhorst

Applicant(s)

GREGERSEN, SOEREN

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and translation of the priority document received on 2-23-04.
2. ☒ The allowed claim(s) is/are 11-19 (renumbered 1-9).
3. ☒ The drawings filed on 30 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Maureen M. Wallenhorst
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard Klein on May 3, 2004.

On line 5 of claim 12, the first occurrence of the word "particles" was changed to "ones". On line 11 of claim 12, the phrase "in said first container and in said transparent section" was inserted after the word "particles". On line 12 of claim 12, the phrase "said first container and" was inserted after the word "contains".

On line 11 of claim 13, the phrase "in said first container and in said transparent section" was inserted after the word "particles". On line 12 of claim 13, the phrase "said first container and" was inserted after the word "contains". On line 19 of claim 13, the phrase "a pipette chamber and" was inserted after the word "with". On line 20 of claim 13, the word "chamber" was inserted after the second occurrence of the word "pipette".

On line 11 of claim 14, the phrase "in said first container and in said transparent section" was inserted after the word "particles". On line 12 of claim 14, the phrase "said first container and" was inserted after the word "contains". On line 18 of claim 14, the phrase "a pipette chamber and" was inserted after the word "with". On line 23 of claim 14, the word "chamber" was inserted after the first occurrence of the word "pipette".

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On line 11 of claim 16, the phrase –in said first container and in said transparent section—was inserted after the word “particles”. On line 12 of claim 16, the phrase –said first container and—was inserted after the word “contains”. On line 19 of claim 16, the phrase –a pipette chamber and—was inserted after the word “with”. On line 25 of claim 16, the word –chamber—was inserted after the first occurrence of the word “pipette”.

On line 3 of claim 18, the word “suspension” was changed to –solution--.

On line 1 of claim 19, the phrase “A method of using the apparatus” was deleted and replaced by the phrase –The apparatus--. On lines 1-2 of claim 19, the phrase “for the isolation of a material” was deleted and replaced by the phrase –wherein the particles are--.

2. The following is an examiner’s statement of reasons for allowance: Application serial no. 09/786,495 is being allowed for the reasons of record given in the last Office action mailed on July 22, 2003, and in view of the translation of the priority document (Denmark PA 1998 01102) which renders moot the previous rejection of the claims under 35 USC 102(e) as being anticipated by Hering since the priority document was filed before the earliest filing date of Hering. All of the amended claims now contain subject matter that was deemed to be allowable in the last Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1743

mmw

May 3, 2004

Maureen M. Wallenhorst
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GROUP 1700